

Notice of Allowability

Application No.

09/989,261

Examiner

Laura C. Schell

Applicant(s)

HOBBS ET AL.

Art Unit

3767

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendments filed 12/10/07.
2. ☒ The allowed claim(s) is/are 66-84.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

KEVIN C. SIRMONS
SUPERVISORY PATENT EXAMINER



EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Lloyd McAulay on 12/19/2007 and again on 1/3/2008.

The application has been amended as follows:

Please amend the application by canceling claims 30-34, such that the only remaining claims are 66-84.

Please also amend claims 79 and 80 as follows below:

79. (Currently Amended) A catheter assembly comprising: at least one tube comprising a lumen, and a longitudinal companion member coupled to and contacting one another at surfaces thereof along a predetermined zone, said tube and said companion member each having a sidewall, a wire extending longitudinally within said sidewalls of each of said tube and said companion member, without extending into the lumen of said tube and passing through surfaces of said tube and said companion member at said zone to hold said tube and said companion member together at said zone, said tube and said companion member being held together solely at said zone,

said tube, said companion member and said wire extending proximal of said zone by an amount sufficient to extend out of the body of a patient in whom the catheter is embedded, said surfaces at said zone being flat surfaces, said wire being accessible upon cutting through said sidewall within which said wire is embedded, thereby permitting withdrawal of said wire to cause said tube and said companion member to disconnect and permit separate, independent withdrawal of said tube and said companion member from a patient, a flexible separating prong extending outward from the surface of one of said tube and said companion member to abut the surface of the other at a location proximal of said zone to force said tube and said companion member to diverge proximal of said zone, and a recess on the surface of the other of said tube or companion member against which said prong abuts, said recess engaging the abutting end of said prong.

80. (Currently Amended) A dialysis catheter assembly comprising:
first and second tubes, each tube comprising a lumen, each having a sidewall, and a linear engagement member extending longitudinally within said sidewalls of each of said tubes without extending into the lumens of said tubes, engaging said tubes and holding said tubes in contact at a predetermined zone, said tubes being held together solely at said zone, each of the distal most and proximal most ends of said linear engagement member being embedded in at least one of said sidewalls of said tubes, said tubes and said linear engagement member extending proximal of said zone by a length sufficient to extend out of the body of a patient in whom the catheter is implanted, whereby cutting

a proximal length of those of said tubes containing said proximal end of said linear engagement member provides access to said linear engagement member so that withdrawal of said linear engagement member will cause said tubes to disconnect and permit separate, independent withdrawal of said tubes from a patient.

The following is an examiner's statement of reasons for allowance: The subject matter of the independent claims could either not be found or was not suggested in the prior art of record. The subject matter not found was a catheter assembly with a tube and companion member, the tube and companion member joined only at a certain zone by a linear engagement member which joins the two by extending longitudinally within the sidewalls the two and does not extend within the lumen of the tube, and the linear engagement member being embedded in the sidewall of the tube at both its distal-most and proximal-most ends, the linear engagement member, when removed, allowing the tube and companion member to be withdrawn from the patient separately, in combination with the other elements of the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Application/Control Number:
09/989,261
Art Unit: 3767

Page 5

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Schell whose telephone number is (571) 272-7881. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Sirmons can be reached on (571) 272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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SUPERVISOR, PATENT EXAMINER

